

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-21 have been examined. Claims 12 and 20 are cancelled. Claims 1-11, 13-19, and 21 are all the claims pending in the application.

Substantive rejections

Claims 1-10 and 12-21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nishimura, which is previously of record, in view of U.S. Patent No. 6,081, 422 to Ganthier. Claims 12 and 20 have been cancelled without prejudice or disclaimer.

With respect to independent claims 1 and 2, each of these claims recites the feature that the removable cradle comprises signal generating and transmitting devices. The Examiner cites the main control part 734 of Nishimura as allegedly corresponding to the claimed signal generating and transmitting devices. The Examiner then proposes to combine this feature with the peripheral device mount 100 of Ganthier, and argues that it would have been obvious to incorporate the removable cradle feature of Ganthier with the cradle and camera system of Nishimura, in order to securely mount the camera to the top of a computer and to have the ability to use the camera and cradle on other devices. (see Final Office Action, pages 4-5). However, Applicant respectfully disagrees with the Examiner's position.

First, in Fig. 5 of Nishimura, the main control part 734 is shown as part of the support base, which is not moveable with respect to the camera. Thus, Applicant respectfully submits that the Examiner's proposed combination would result in more connection wiring running from the camera to the device mount in Ganthier. Such additional cabling would increase the strain on the wiring (see electric cable 124 in Fig. 2 of Ganthier) and thus increase the chance of breaking

and inhibit the movement of the camera. Second, the camera of Nishimura requires lateral movement, and not merely swivel movement as is the case in Ganthier. This lateral movement would provide additional strain on the cabling between the camera 200 and the peripheral device mount 100. Lastly, Applicant would submit that these additional features and associated cabling would not only mitigate against the combination but would also render Nishimura inoperable for its intended use. Since neither Nishimura nor Ganthier, standing alone, teach all of the features of independent claims 1 and 2, as acknowledged by the Examiner, Applicant respectfully submits that claims 1 and 2 are patentable for these reasons.

With respect to claim 9, this claim recites the feature of a mode control device which changes operation modes according to a command signal obtained through the signal device. The Examiner continues to maintain that the autofocus and zooming circuit part corresponds to the claimed mode control device. Specifically, the Examiner asserts at page 3 of the Final Office Action, that the Examiner interprets “operation modes” of the digital camera to be any operation within the digital camera, including zoom and autofocus. However, Applicant respectfully submits that this unduly broad reading of the phrase “operation mode” eviscerates the meaning of the word “mode”. The Examiner must give claim terms their broadest *reasonable interpretation* consistent with the specification, wherein the ordinary and customary meaning is the one given to the term by those of ordinary skill in the art. (see MPEP § 2111). Applicant respectfully submits that this interpretation of “operation mode” is not a reasonable interpretation, and respectfully requests the Examiner to present some support for this overly broad interpretation in the prior art.

With further regard to claim 13, this claim describes modes as a camera mode and a non-camera mode. The control device thus changes two types of modes, those related to the camera and those not related to the camera. Col. 3, lines 33-36 cited by the Examiner relates to operations of a camera function, which is an image pick up, regardless of subject. Thus, this portion of Nishimura does not teach a camera mode and non-camera mode, as claimed. Ganthier does not cure this deficiency. Thus, claim 13 is patentable. Claims 16 and 18 are patentable for analogous reasons.

With regard to claim 14, the Examiner cites official notice that a non-camera mode would comprise a storage mode. However, because the PC camera mode of claim 14 would have its own storage, there need not be a separate non-camera storage mode as the Examiner contends. There is no inherent need or suggestion for a separate non-camera storage. Claim 14 is therefore patentable. Claims 17, 19, and 21 are patentable for analogous reasons.

With regard to claim 15, the Examiner cites official notice to teach that in the non-camera storage mode, the camera acts as a card reader. The Examiner's argument is similarly deficient since the archive can be performed via the camera functions. There is no inherent need or suggestion for a separate non-camera storage.

With further regard to claim 19, which depends from claim 9 and further defines the operation modes to be a PC camera mode and a storage mode, we note that the Examiner argues that it would have been obvious to incorporate a storage mode with the document pickup feature of Nishimura. However, Applicant respectfully disagrees. In order to incorporate such a mode, the camera of Nishimura would require additional components, thus increasing the size of the camera. Moreover, the Examiner has provided no rationale as to how one of ordinary skill in the

art would change between the PC camera mode and the storage mode depending on the position of the camera. Applicant therefore respectfully submits that claim 19 is patentable for this reason.

Claim objection / allowable subject matter

Claim 11 is indicated by the Examiner as objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, Applicant has rewritten claim 11 into independent form and respectfully requests the Examiner to allow claim 11.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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